

## § 52.281

## 40 CFR Ch. I (7–1–12 Edition)

(A) Rule 67, Fuel Burning Equipment as applied to new sources. The emission limit of Rule 67 is retained and is applicable only to existing sources already granted a permit.

(c) The emission limits of Rules 67 and 72 are partially retained, applicable only to (existing) sources granted permits prior to June 17, 1981.

(1) South Coast Air Quality Management District.

(i) Rules 67, *Fuel Burning Equipment*, and 72, *Fuel Burning Equipment*, submitted on November 19, 1979.

[43 FR 25677, 25684 June 14, 1978, as amended at 43 FR 35696, Aug. 11, 1978; 43 FR 51774, Nov. 7, 1978; 43 FR 59490, Dec. 21, 1978; 44 FR 5664, Jan. 29, 1979; 46 FR 3889, Jan. 16, 1981; 46 FR 27116, 27118, May 18, 1981; 47 FR 25016, June 9, 1982]

### § 52.281 Visibility protection.

(a) The requirements of section 169A of the Clean Air Act are not met, because the plan does not include approvable procedures for protection of visibility in mandatory Class I Federal areas.

(b) Regulations for visibility monitoring. The provisions of § 52.26 are hereby incorporated and made part of the applicable plan for the State of California.

(c) Regulations for visibility new source review. The provisions of § 52.27 are hereby incorporated and made part of the applicable plan for the State of California only with respect to:

(1) Mendocino County air pollution control district,

(2) Monterey County air pollution control district,

(3) North Coast Unified air quality management district,

(4) Northern Sonoma County air pollution control district, and

(5) Sacramento County air pollution control district.

(d) The provisions of § 52.28 are hereby incorporated and made part of the applicable plan for the State of California, except for:

(1) Monterey County air pollution control district, and

(2) Sacramento County air pollution control district.

(e) *Long-term strategy*. The provisions of § 52.29 are hereby incorporated and

made part of the applicable plan for the State of California.

(f) *Approval*. On March 16, 2009, the California Air Resources Board submitted the “California Regional Haze Plan” (“CRHP”). The CRHP, as amended and supplemented on September 8, 2009 and June 9, 2010, meets the requirements of Clean Air Act section 169B and the Regional Haze Rule in 40 CFR 51.308.

[50 FR 28553, July 12, 1985, as amended at 52 FR 45138, Nov. 24, 1987; 76 FR 34611, June 14, 2011]

### § 52.282 Control strategy and regulations: Ozone.

(a) *Attainment determination*. EPA has determined that the Ventura County severe 1-hour ozone nonattainment area attained the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2005. EPA also has determined that the Ventura County severe 1-hour ozone nonattainment area is not subject to the requirements of section 185 of the Clean Air Act (CAA) for the 1-hour standard and that the State is not required to submit a SIP under Section 182(d)(3) of the CAA to implement a section 185 program for the 1-hour standard in this area. In addition, the requirements of section 172(c)(9) (contingency measures) for the 1-hour standard do not apply to the area.

(b) *Approval*. On December 19, 2007, the California Air Resources Board submitted a maintenance plan for the 1997 8-hour ozone NAAQS for the Monterey Bay Area as required by section 110(a)(1) of the Clean Air Act, as amended in 1990, and 40 CFR 51.905(a)(4). Elements of the section 110(a)(1) maintenance plan for ozone include a base year (2002) attainment emissions inventory for ozone, a demonstration of maintenance of the ozone NAAQS with projected emissions inventories through the year 2014 for ozone, a plan to verify continued attainment, and a contingency plan. The maintenance plan meets the Federal requirements of Clean Air Act section 110(a)(1) and 40 CFR 51.905(a)(4) and is approved as a revision to the California State Implementation Plan for the above mentioned area.

(c) *Determination of attainment.* Effective January 4, 2010, EPA is determining that the Imperial County, California 8-hour ozone nonattainment area has attained the 1997 8-hour ozone standard. Under the provisions of EPA's ozone implementation rule (see 40 CFR 51.918), this determination suspends the reasonable further progress and attainment demonstration requirements of section 182(b)(1) and related requirements of section 172(c)(9) of the Clean Air Act for as long as the area does not monitor any violations of the 8-hour ozone standard. If a violation of the 1997 ozone NAAQS is monitored in the Imperial County, California 8-hour ozone nonattainment area, this determination shall no longer apply.

(d) *Determinations that Certain Areas Did Not Attain the 1-Hour Ozone NAAQS.* EPA has determined that the Los Angeles-South Coast Air Basin Area and the San Joaquin Valley Area extreme 1-hour ozone nonattainment areas did not attain the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2010 and that the Southeast Desert Modified Air Quality Maintenance Area severe-17 1-hour ozone nonattainment area did not attain the 1-hour ozone NAAQS by the applicable attainment date of November 15, 2007. These determinations bear on the areas' obligations with respect to the one-hour ozone standard anti-backsliding requirements whose implementation is triggered by a determination of failure to attain by the applicable attainment date: section 172(c)(9) contingency measures for failure to attain and sections 182(d)(3) and 185 major stationary source fee programs.

[74 FR 25156, May 27, 2009, as amended at 74 FR 66921, Dec. 17, 2009; 74 FR 63310, Dec. 3, 2009; 76 FR 82146, Dec. 30, 2011]

#### § 52.283 Interstate Transport.

(a) *Approval.* On November 16, 2007, the California Air Resources Board submitted the "Interstate Transport State Implementation Plan (SIP) for the 1997 8-hour Ozone Standard and PM<sub>2.5</sub> to satisfy the Requirements of Clean Air Act section 110(a)(2)(D)(i) for the State of California (September 21, 2007)" ("2007 Transport SIP"). The 2007 Transport SIP and the additional plan elements listed below meet the fol-

lowing specific requirements of Clean Air Act section 110(a)(2)(D)(i) for the 1997 8-hour ozone and 1997 PM<sub>2.5</sub> NAAQS ("1997 standards").

(1) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with other states' measures to protect visibility for the 1997 standards are met by chapter 3 (Emissions Inventory), chapter 4 (California 2018 Progress Strategy), and chapter 8 (Consultation) of the "California Regional Haze Plan," adopted January 22, 2009.

(2) The requirements of CAA section 110(a)(2)(D)(i)(I) regarding significant contribution to nonattainment of the 1997 standards in any other State and interference with maintenance of the 1997 standards by any other State.

(3) The requirements of section 110(a)(2)(D)(i)(II) regarding interference with any other state's measures required under title I, part C of the Clean Air Act to prevent significant deterioration of air quality, except that these requirements are not fully met in the Air Pollution Control Districts (APCDs) or Air Quality Management Districts (AQMDs) listed in this paragraph.

- (i) Amador County APCD
- (ii) Butte County AQMD
- (iii) Calaveras County APCD
- (iv) Feather River AQMD
- (v) Northern Sierra AQMD
- (vi) Mariposa County APCD
- (vii) Tuolumne County APCD
- (viii) North Coast Unified AQMD
- (ix) All other areas in California that are subject to the Federal PSD program as provided in 40 CFR 52.270.
- (b) [Reserved]

[76 FR 34611, June 14, 2011, as amended at 76 FR 34876, June 15, 2011; 76 FR 48006, Aug. 8, 2011]

### Subpart G—Colorado

#### § 52.320 Identification of plan.

(a) Title of plan: "Air Quality Implementation Plan for State of Colorado".

(b) The plan was officially submitted on January 26, 1972.

(c) The plan revisions listed below were submitted on the dates specified.

(1) Request for legal authority submitted February 14, 1972, by the Governor.